

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 22, 1958

10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll Call:

Present: Councilmen Long, Pearson, White, Mayor Miller

Absent: Councilman Palmer

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Assistant Chief of Police.

Invocation was delivered by REV. HAROLD J. HUGHES, St. Mary's Cathedral, 203 East 10th Street.

COLONEL VANCE MURPHY introduced the new Commander representing the 41 30th Strategic Wing of Bergstrom Air Force, COLONEL HOWARD W. MOORE; and the new Base Commander, COLONEL FRANK MAREK. The Mayor and Council greeted and welcomed the new Commanders.

Mayor Miller brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 57.84 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller

Noes: None

Absent: Councilman Palmer

The Mayor announced that the ordinance had been finally passed.

Mayor Miller brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 6.94 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE HENRY WARNELL SURVEY, IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Palmer

The Mayor announced that the ordinance had been finally passed.

The Mayor announced that the Council would meet on Wednesday, December 31st, at 2:30 P.M. instead of the date previously set, Tuesday, December 30th.

The City Manager gave a report on the subdivision, Ridgewood Village, Section 2, belonging to Mr. A. D. Stenger, which subdivision was outside of the city limits, and on which an ordinance had been introduced to provide annexation.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE AND HEIGHT AND AREA DESIGNATIONS ON FOLLOWING FOUR TRACTS OF LAND, SAME BEING A PORTION OF THE JAMES P. WALLACE LEAGUE SURVEY NO. 57 IN TRAVIS COUNTY, TEXAS, AS FOLLOWS: TRACT 1: FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA AND "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT, LOCALLY KNOWN AS 7901-8015 NORTH LAMAR BOULEVARD AND 600 ANDERSON LANE; TRACT 2: FROM "A" RESIDENCE DISTRICT TO "C-1" COMMERCIAL DISTRICT, LOCALLY KNOWN AS THE REAR OF 7939-8011 NORTH LAMAR BOULEVARD AND THE REAR OF 624-648 ANDERSON LANE; TRACT 3: FROM "A" RESIDENCE DISTRICT

TO "C-2" COMMERCIAL DISTRICT, LOCALLY KNOWN AS THE REAR OF 8005 NORTH LAMAR BOULEVARD AND THE REAR OF 636 ANDERSON LANE; TRACT 4: FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT, LOCALLY KNOWN AS THE REAR OF 7901-8015 NORTH LAMAR BOULEVARD AND THE REAR OF 600 ANDERSON LANE; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS, ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE RE-QUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Palmer

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Palmer

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Palmer

The Mayor announced that the ordinance had been finally passed.

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain drainage and public utility easement, twenty-five (25) feet in width was dedicated to the public in, upon and across a part of Lot 2, Block C of Shoalwoods Addition Section 2, a subdivision of a portion of the George W. Spear League in the City of Austin, Travis County, Texas, according to a map or plat of said Shoalwoods Addition of record in Book 6 at page 83 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of the hereinafter described premises has requested that said drainage and public utility easement, be vacated, SAVE and EXCEPT

for the south five (5) feet of above described easement; and,

WHEREAS, the hereinafter described portion of said easement is not now needed and hereafter will not be required by the City of Austin; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager, be and he is hereby authorized to execute a release of the hereinafter described portion of said drainage and public utility easement, to wit:

All of that certain easement twenty-five (25.00) feet in width same being out of and a part of Lot 2, Block C of Shoalwoods Addition Section 2, a subdivision of a portion of the George W. Spear League in the City of Austin, Travis County, Texas, according to a map or plat of said Shoalwoods Addition of record in Book 6 at page 83 of the Plat Records of Travis County, Texas, SAVE and EXCEPT the south five (5.00) feet of said easement.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Palmer

Councilman Pearson inquired if independent contractors should be engaged to move the utilities so that the paving could go forward. The Director of Public Works gave a report on the paving, in that the Gas Company has a private contractor doing their work in addition to all of their crews; the Water Department is ready to let some of its work to private contractors; however, the difficulty now was the paving contractors are not able to get in on the streets. He reported that other petitions were in, but would not be advertised until the back work was under way.

The Council briefly discussed concession contracts at Barton Springs, with a general idea of the city's constructing a concession building when money was available.

After a very lengthy discussion on property for the low water dam, and on sand and gravel operations, Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager be and he is hereby authorized to execute, on behalf of the City, that certain contract this day exhibited by said City Manager to the City Council, under the provisions of which the City would acquire from J. H. Hart, et al, approximately 64 acres of land for, and necessary approaches to, its proposed low water dam and bridge and town lake,

subject to an existing ten-year sand and gravel mining lease now owned by H.B. Zachry upon approximately 56 acres of said lands; and

BE IT FURTHER RESOLVED:

That in consideration of the agreement of the said H. B. Zachry in releasing and relinquishing so much of his rights under said sand and gravel mining lease as may be needed for seepage barriers, abutments, and structures; to conduct sand and gravel mining operations upon said land and along the bed and banks of the Colorado River so as to ultimately beautify and improve the Colorado River and its shores according to plans agreeable to City, by widening, deepening, and straightening the bed and banks of the Colorado River and by depositing silt and material other than sand and gravel upon the banks of the Colorado River at points agreeable to and in conformity with the plans of the City of Austin; and to accurately account for and to pay over to the City of Austin for the benefit of the State of Texas all royalty due upon any sales of sand or gravel made from material taken from the bed and banks of the Colorado River, the City of Austin hereby authorizes the said H. B. Zachry to mine sand and gravel upon the same terms and conditions from approximately 81 acres of other lands to be acquired by the City of Austin adjoining the said 56 acre J. H. Hart, et al tract, provided, however that before mining any sand and gravel from the approximately 81 acre tract of land to be acquired by the City adjoining said 56 acre H. H. Hart, et al tract, the said H. B. Zachry shall first pay to the City of Austin as consideration for the execution of a sand and gravel mining lease upon said 81 acre tract not less than Twenty Thousand Dollars, and in addition to said sum the said H. B. Zachry is authorized to deposit in City's Trust and Agency Fund such sum or sums of money as he may desire to deposit as advance royalty payments for sand and gravel to be removed from said 81 acre tract and from said 56 acre tract.

The motion, seconded by Councilman Pearson, carried by the following vote:
Ayes: Councilmen Long, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Palmer

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the expansion of the municipal electric system by expanding the generating facilities of such system; and,

WHEREAS such expansion of the generating capacity of such system necessitates the construction of a low water dam on the Colorado River at approximately the point where Pleasant Valley Road in the City of Austin would intersect with the Colorado River; and,

WHEREAS, the City Council has found and determined that the hereinafter described land on the south side of the Colorado River adjacent to such proposed dam site must be acquired in order to provide construction, maintenance and operation of said low water dam; and,

WHEREAS, the City of Austin has negotiated with the owner of such land

and has been unable to agree with such owner on the fair cash market value thereof; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to cause to be filed against all owners and lienholders a suit in eminent domain to acquire fee simple title for said purposes to the following described land:

Being all of those certain three tracts of land lying and being situated in Travis County, Texas, and adjacent to the City of Austin and being more particularly described as follows:

Tract No. 1

Being all of that certain tract of land referred to as a 63 acre tract of land and being more particularly described in that certain deed conveying said land to T. C. Steiner, which deed is of record in Vol. 539, Page 594 of the Deed Records of Travis County, Texas.

Tract No. 2

Being all of that certain tract of land referred to as being 18.65 acres which was conveyed to T. C. Steiner by deed recorded in Vol. 539, Page 594 of the Deed Records of Travis County, Texas.

Tract No. 3

Being the most northerly 13 acres of the tract of land described as being 50.82 acres and conveyed to T. C. Steiner by deed recorded in Vol. 539, Page 594 of the Deed Records of Travis County, Texas.

The motion, seconded by Councilman Pearson, carried by the following vote:
Ayes: Councilman Long, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Palmer

Councilman Pearson inquired about the Colorado School request of sometime ago. The Mayor suggested that after the first of the year, that the Council give a final answer.

About the tax appeal of MR. ROSWELL MILLER, the Council wanted to make a personal inspection of the property and possibly make a decision on the first Thursday in January.

Councilman Pearson made inquiry about the property on San Jacinto and 26th Street, adjacent to the property of Mrs. Eschberger. It was suggested that an appraisal be made of this city property; and if it were not needed for street widening it could be sold.

The City Manager submitted a proposal to extend the present parking meter contract to include 100 additional parking meters, at a rental of \$2.00 a month until \$39.00 had been paid. The matter was postponed until the following week.

The Council received notice that the following application for change of zoning had been withdrawn:

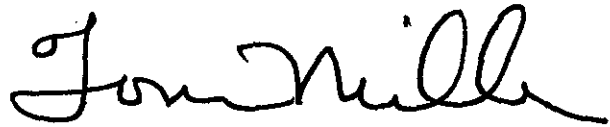
MR. M. D. FLETCHER

2900-12 Windsor Road
2404 McCall Road

From "A" Residence
To "B" Residence

There being no further business, the Council adjourned at 1:00 P.M., subject to the call of the Mayor.

APPROVED



Mayor

ATTEST:


City Clerk